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November 26, 2021

In re Google Digital Advertising Antitrust Litigation, No. 1:21-md-03010 (PKC)  
State of Texas, et al. v. Google LLC, No. 1:21-cv-06841 (PKC)

Dear Judge Castel:

We represent Facebook, Inc.<sup>1</sup> (“Facebook”) in the above-captioned multidistrict litigation. We write in regards to Plaintiff States’ Motion for Leave to File the Unredacted Third Amended Complaint Under Seal (the “Motion”) (Dkt. 174, “Mot.”) in the *State of Texas, et al. v. Google LLC* action, in which Facebook is not a party. In accordance with Rule 1.A of the Court’s Individual Practices, we note that no upcoming conferences are currently scheduled in this matter.

After Plaintiff States filed their Second Amended Complaint in *State of Texas, et al. v. Google LLC*, this Court, after considering submissions from the relevant parties and non-parties, entered an order on October 21, 2021 providing that the “[n]ames, contact information, including email addresses, of Facebook employees, if any, should be redacted before the Second Amended Complaint is publicly filed.” (Dkt. 151.) Consistent with that order, Plaintiff States filed a lesser-redacted version of the Second Amended Complaint with the names of Facebook employees redacted. (Dkt. 152.)

Notwithstanding the Court’s unambiguous ruling regarding the redactions of the names of Facebook employees, Plaintiff States seek to revisit the issue in the context of the Third Amended Complaint they filed on November 12, 2021.<sup>2</sup> (Dkt. 176.) Plaintiff States contend in their Motion that only the names of “lower-level” Facebook

<sup>1</sup> On October 28, 2021, Facebook, Inc. changed its name to Meta Platforms, Inc.

<sup>2</sup> Because Facebook is a non-party to the *Texas* action, Facebook has not received a fully unredacted copy of the Third Amended Complaint.

employees should remain redacted in the Third Amended Complaint and not the names of “higher-level” Facebook employees. (Mot. at 2-3.) They contend this position is consistent with the Court’s previous order despite the fact that their reading of that Order is plainly inconsistent with its language, which clearly provided that the names of *all* Facebook employees should be redacted. (*See id.*; Dkt. 151.)

As this Court previously observed when considering the redaction of employee names referenced in the Second Amended Complaint, “[n]on-parties to an action may have ‘significant privacy interests’ that favor redaction of identifying information.” (Dkt. 147 at 9 (citing *Kewazinga Corp. v. Microsoft Corp.*, 2021 WL 1222122, at \*5 (S.D.N.Y. Mar. 31, 2021) (Woods, J.).) Where “[t]he names . . . of these employees have no apparent bearing on any issue in th[e] dispute”, the privacy interest of the employees “outweighs the strong presumption of public access.” (*Id.*) As was the case with the Facebook employees referenced in the Second Amended Complaint, the Facebook employees referenced in the Third Amended Complaint have a privacy interest and their names have no apparent bearing on any issue in this dispute. Plaintiff States offer no explanation as to why a different approach is warranted on this issue with respect to the two complaints.

Facebook therefore respectfully requests that the Court afford the same protections to Facebook employees referenced in the Third Amended Complaint as it afforded to Facebook employees referenced in the Second Amended Complaint—that is, that “[n]ames, contact information, including email addresses, of Facebook employees, if any, should be redacted” (Dkt. 151) before a lesser-redacted version of the Third Amended Complaint is publicly filed.

Respectfully submitted,



Kevin J. Orsini

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

cc: All Counsel of Record (via CM/ECF)